

# Average length and volume of unconditional custodial sanctions 1985-1995

## Summary

This report contains an analysis and description of an 11-year period - from 1985 to 1995 - in the use of unconditional custodial sentences in the Netherlands. In this time span, the total number of years to actually be served in penitentiaries (i.e. excluding early and conditional releases) almost doubled from 5,800 to 11,000. In order to avoid prison overcrowding, the consecutive Dutch governments started rapidly to build new prisons. The total number of years to execute in prison is arrived at by multiplying the average sentence length by the number of convictions. Central topics in this report are the determination of the relative contribution of these two statistics to the total number of prison years, which offences show the largest increase and possible explanations for the results of these analyses. Three additional approaches are used to answer these questions:

- literature review;
- statistical analysis;
- interviews with key persons.

In 1985 the average, unconditional, sentence length was 133 days; early and conditional releases are excluded. By 1995 this had increased to 197 days. In the same period, the number of unconditional convictions grew from 20,000 to 27,000. In this time span there is a break somewhere around 1990. Until that year, the increase in average sentence length accounted for 82% of the increase in the number of prison years, and the volume of sentences for only 18%. In the period 1990-1995 these percentages are 44 and 56 respectively. Recently, the number of sentences have become a more important explanation than the average sentence length.

There is, however, another noteworthy development that points to an increase in punitivity, rather than to an increase in criminality. Although in an 11-year period the amount of convictions to an unconditional prison sentence increased by 30%, the total number of custodial sentences (i.e. suspended, conditional, unconditional and combinations thereof) showed a decrease of 9% (from 44,000 to 40,000). In 1985 for every unconditional prison sentence, 1.5 conditional or suspended prison sentence was imposed; in 1995 this ratio had decreased to 0.8. Obviously, prosecutors and judges have become less lenient and are, more than before, inclined to use unconditional prison sentences.

The increase in the total number of prison years is not spread evenly over the various offences. Violent crime is responsible for 50% of this growth, property crime for 22% and violations of the Opium Act 17%.

There are at least five possible causes for this expansion:

- changes in criminal law;
- changes in the public's willingness to report crime;
- expansion of the police department and changes in investigations;
- developments in criminality (i.e. level and character of crime);
- stricter sanctioning policies.

Interviews with key persons (police, prosecutors, judges, counsellors), revealed that only two possible causes serve as a satisfactory explanation: crime has become more serious (more violent) in the last decade; secondly, for comparable offences, recently the prosecutors and judges tend to punish more severely than before. These two factors can be summarized under the headings of proportionality (more severe sanctions for more serious crime) and increased punitivity (more severe sanctions for comparable offences). Contrary to popular belief, the level of crime did not rise significantly in the past 11 years. Taking the population growth into account, the level of crime even decreased slightly. The cost and consequences of a rapidly expanding prison system prompted a discussion about ways to slow down this growth. In this report two strategies are discussed: the so-called frontdoor and backdoor strategies. The first is intended to decrease the number of prison sentences and/or the length of the sentences, the second to release prisoners (conditionally) before the end of their term. A combination of three measures seems to be most promising, two of which concern a frontdoor policy and one a backdoor policy.

- Partly execute prison sentences extramurally in (electronically) controlled circumstances.
- Sentencing guidelines to truncate the long-term prison sentences.

- Maximizing prison capacity. In other words: changing the open end formula into a closed one by assigning varying quota to offence categories according to priorities in criminal policy.

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Duur en volume; ontwikkeling van de onvoorwaardelijke vrijheidsstraf tussen 1985 en 1995, feiten en verklaringen

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